

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

NATHAN THOR McVAY,

Plaintiff,

v.

JERRY BECKER, et al.,

Defendants.

3:10-cv-1484-AC

ORDER

Nathan T. McVay
5950134
Snake River Correctional Institution
777 Stanton Blvd
Ontario, OR 97914-8335

Pro Se Plaintiff

Kristin A. Winges-Yanez
OREGON DEPARTMENT OF JUSTICE
1515 SW Fifth Avenue, Suite 410
Portland, OR 97201

Attorney for Defendants

HERNANDEZ, District Judge:

Magistrate Judge John V. Acosta issued a Findings and Recommendation (doc. #82) on April 5, 2012, recommending that the Motion for Summary Judgment (doc. #34) filed by Nathan T. McVay (“McVay”) be denied and Defendants’ Motion for Summary Judgment (doc. #61) be granted and this case be dismissed.

McVay timely filed objections to the Magistrate Judge’s Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure.

When any party objects to any portion of the Magistrate Judge’s Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate Judge’s report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna–Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered McVay’s objections and conclude that his objections do not provide a basis to modify the Findings and Recommendation. I have also reviewed the pertinent portions of the record de novo and find no error in the Magistrate Judge’s Findings and Recommendation.

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CONCLUSION

The Court ADOPTS the Magistrate Judge's Findings and Recommendation (doc. #82). Accordingly, McVay's Motion for Summary Judgment (doc. #34) is DENIED, and Defendants' Motion for Summary Judgment (doc. #61) is GRANTED. All of McVay's claims pursuant to 42 U.S.C. § 1983 are therefore DISMISSED with prejudice, and McVay's state law tort claims are DISMISSED without prejudice.

IT IS SO ORDERED.

DATED this 23rd day of May, 2012.

/s/ Marco A. Hernandez
MARCO A. HERNANDEZ
United States District Judge